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Paper No. 16

In re Application of
Dominick L. Mastri *et al*
Application No. 09/625,886
Filed: July 26, 2000
Attorney Docket No. 1695 CIP CON 3

:
: SUPPLEMENTAL DECISION
: ON PETITION
:

This is a supplemental decision on the petition filed on November 21, 2003. The supplemental decision is being generated as a result of a telephone inquiry by counsel concerning the original decision on petition dated March 2, 2004 by which the petition filed on November 21, 2003.

The decision on petition dated March 2, 2004 is hereby vacated and the petition is granted.

Petitioners requested that the holding of abandonment for failure to file a proper and timely reply to the Office letter dated August 9, 2001 be withdrawn in view of the fact that they had filed a reply to that Office letter. Petitioners had attached to the petition a copy of the reply, and the reply had affixed thereto a 37 CFR 1.8(a) certificate of mailing dated September 10, 2001. In addition, petitioners have submitted a copy of a post card receipt for the reply showing that it was actually received in the Office on September 13, 2001.

While September 13, 2001 is a date outside of the period for filing a reply as set by the Office letter dated August 9, 2001, September 10, 2001 was a Monday, and therefore was a date within the reply period set by the Office letter in question as set therein. See 35 USC § 21(b); see also 37 CFR 1.7 and 37 CFR 1.8(b). As a timely reply to the Office letter dated August 9, 2001 was in fact filed, it is clear that this application is not abandoned.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the examiner for action on the reply filed on September 13, 2001, certificate of mailing date September 10, 2001.

PETITION GRANTED.

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